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REMARKS

Entry of the present Amendment and grant of the attached Rule 182 Petition are requested.

The present application was filed November 1, 1994 (i.e., prior to November 29, 2000) and became abandoned by the order of July 2, 1999 and as noted in the Notice of Abandonment dated June 7, 2002.

The undersigned is filing concurrently a Rule 78(a)(3) Petition and Amendment in the related Application No. 10/290,233; Requests for Certificates of Correction and Rule 182 Petitions in U.S. Patent Nos. 6,545,142 and 6,248,516; a Request for a Certificate of Correction and Rule 78(a)(3) Petition in U.S. Patent No. 7,306,907; and an Amendment and Rule 182 Petition in each of Application Nos. 07/796,805 and 07/580,374, which each claim benefit of Application No. PCT/GB89/01344, through continuation Application No. 07/580,374.

In reviewing the priority claim for Application No. 10/290,233, the undersigned has now appreciated that the Patent Office records with regard to the priority claim to Application No. PCT/GB89/01344 in the present application and prior and subsequent applications is incorrect. A copy of the Filing Receipt from Application No. 08/332,046 is attached. Also attached is a copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374. A copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805 is also attached.

The undersigned has spoken with Ms Hicks, formerly of the Patent Office, in a previous unrelated matter with similar circumstances and Ms Hicks directed the

undersigned to the following passage from the Patent Office web site

(<http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx4>):

CX14. Can applicant add a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned without filing a petition to revive the later-filed application? (added 4Feb2005)

Yes, a petition to revive the later-filed application is not required when applicant is adding a benefit claim by filing an amendment (or an application data sheet) to add the specific reference of the prior-filed non-provisional application. A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or plant application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

More recently, the undersigned spoke with Mr. Tony Knight of the USPTO Petitions Branch, on March 6, 2008, to confirm that the present Amendment and attached Petition should be sufficient to correct the Patent Office records with regard to the priority claim and relation to the PCT application.

The attached Petition and present Amendment are being filed based on the above and, to the extent applicable, *Sampson v. Commissioner*, 195 USPQ 136 (D.D.C. 1976).

The Rule 17(f) fee is being filed herewith (code 1462 - \$400).

Correction of the Patent Office records with regard to the applicants claim for priority benefit, entry of the present Amendment, and issuance of a Corrected Filing Receipt in the above, are requested.

WINTER et al
Appl. No. 08/332,046
Atty. Ref.: 620-3
April 24, 2008
Amendment

The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:pp
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Attached:

Transmittal Letter with charge authorization,
Rule 182 Petition,
copy of the Filing Receipt from Application No. 08/332,046,
copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application
No. 07/580,374, and
copy of the corrected Declaration filed April 15, 1993 in the parent Application No.
07/796,805.